

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

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STEVEN GARCIA,

Plaintiff,

v.

No. 1:22-cv-00346-KWR-JFR

ADAM DUNSTON,  
*et al.*,

Defendants.

**ORDER REMANDING CASE**

**THIS MATTER** comes before the Court upon Plaintiff's Motion to Remand to State Court (**Doc. 13**). Defendants consent to the motion, and third-party defendants FEI Faith Enterprises, Inc. and Faith Enterprises, Inc. are deemed to consent based on their failure to respond to the motion. Therefore the motion is **GRANTED**, and this case is remanded to the Second Judicial District Court, Bernalillo County, State of New Mexico.

The motion to remand was filed on June 3, 2022. Defendants Adam Dunston and Mountain States Crane, LLC, filed a stipulation agreeing to remand this case to state court. **Doc. 17**. A stipulation extended the time to respond to the motion to remand to June 24, 2022. **Doc. 16**. Third party Defendants FEI Faith Enterprises, Inc. and Faith Enterprises, Inc. did not file a response by this stipulated extended deadline or file another stipulated extension as required by local rules. D.N.M.Lr-Civ. 7.4(a). Therefore, they are deemed to consent to the motion to remand. D.N.M.Lr-Civ. 7.1(b).

The Court notes that another third-party defendant, the United States Department of Veteran Affairs, did not remove this action or join in removal, and has not entered an appearance.

**IT IS THEREFORE ORDERED** that the motion to remand (**Doc. 13**) is hereby **GRANTED**; and

**IT IS FURTHER ORDERED** that this action is **REMANDED** to the Second Judicial District Court, Bernalillo County, State of New Mexico. The Clerk of Court is hereby directed to take the necessary actions to remand the case.

**IT IS SO ORDERED.**



KEA W. RIGGS  
UNITED STATES DISTRICT JUDGE